

14 AUG 1978

FOIA

OLC #78-1257/2

MEMORANDUM FOR: General Counsel  
Legislative Counsel

FROM : Deputy Director of Central Intelligence

SUBJECT : Draft Legislation to Provide Relief from Freedom of  
Information Act and Privacy Act

1. In the course of coping with the 2 percent personnel reduction imposed by the President for FY 1980, it was deemed appropriate to make a legislative assumption that this Agency could obtain relief from the statutory requirements imposed by the Freedom of Information Act (FOIA) and Privacy Act. The Agency was encouraged by Congress to explore avenues of relief during the hearings on the FY 1979 Budget. The basis for this assumption was primarily that this Agency had unique requirements for the protection of sources and methods and that the cumulative adverse impact of satisfying requests for information under these two Acts was unacceptable. A secondary consideration was that the FOIA and Privacy Act legislation did not take into account that foreign governments -- and by extension foreign intelligence services -- can take equal advantage to that of U.S. private citizens. A tertiary consideration was the inordinate burden assumed by the Agency because of the unique requirement to protect sources and methods -- a factor not common to all U.S. Government agencies.

2. It will be necessary to submit a draft of the proposed legislation with the Agency's FY 1980 Budget Estimate on 15 September to the Office of Management and Budget and the Resource Management Staff. I, therefore, request that you jointly, in coordination with the Deputy Director for Administration and the Office of the Comptroller, prepare the draft language to satisfy this requirement.

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Frank C. Carlucci

cc: DDA  
Comptroller

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